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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 09/359,838 07/23/1999 STANLEY E. KAY PD-990149 3345 20991 7590 09/10/2003 **HUGHES ELECTRONICS CORPORATION** EXAMINER PATENT DOCKET ADMINISTRATION NGUYEN, STEVEN H D BLDG 001 M/S A109 P O BOX 956 ART UNIT PAPER NUMBER EL SEGUNDO, CA 902450956 2665 DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner		Application No.	Applicant(s)	
Steven HD Nguyen 2665 Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALINING DATE of PHIS COMMUNICATION. If the period for traphy separated above is less than lifety 200; days, a reply within the satutory maintain of thirty 100; days will be considered linely. If the period for traphy specified above is less than lifety 200; days, a reply within the satutory maintain of thirty 100; days will be considered linely. If the period for traphy specified above is less than lifety 200; days, a reply within the satutory maintain of thirty 100; days will be considered finely. If the period for traphy specified above is less than lifety 200; days, a reply within the satutory maintain of thirty 100; days will be considered linely. If the period for traphy specified above is less than lifety 200; days, a reply within the satutory maintain of thirty 100; days will be considered linely. If the period for traphy specified above is less than lifety 200; days, a reply within the saturous and the period of the saturous of the saturous of the period of the saturous of the period of the period of the saturous of the maintain date of his communication, even if timely filled, may reduce any send calculation and saturous of the maintain date of his communication, even if timely filled, may reduce any send calculation is period of the period of the maintain date of his communication, even if timely filled, may reduce any send calculation. 2	Office Action Summary	09/359,838	KAY ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editations of their may be available under the provision of 37 CFR 1.39(a). In no event, however, may a reply be timely filed If the period for reply specified above is less than thirty (30) days, a reply within the statulory minimum of thirty (30) days will be considered finely. If the period for reply specified above, the nazmrus tatulatory period will be adultation; minimum of thirty (30) days will be considered finely. If No period for reply specified above, the nazmrus tatulatory period will be deplyed will be given (5(6) MONTS from the making date of this communication. If No period for reply specified above, the nazmrus tatulatory period will be part of the replication (5(6) MONTS from the making date of this communication. If No period for reply specified above, the nazmrus tatulatory period and the deministration, even if stresty filed. Responsive to communication(s) filed on 24 June 2003. Status This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)is/are pending in the application. 4a) Of the above claim(s)is/are withdrawn from consideration. 5) Claim(s)is/are allowed. 6) Claim(s)is/are allowed. 6) Claim(s)is/are allowed. 7) Claim(s)is/are allowed. 8) Claim(s)is/are allowed. 8) Claim(s)is/are subject to restriction and/or election requirement. Application may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). 11) The proposed drawings are required in reply to this Office action. 12) The cath or declaration is objected to by the Examiner. 12) The coath or de		Examiner	Art Unit	
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THE MAILING DATE OF THIS COMMUNICATION. - Estimation of them may be waitable under the provisions of 3 CRF 1.138(a). In no event, however, may a reply be timely filed after SX (0) NCNT15 from the making date of this communication. - Particular of them may be waitable under the provisions of 37 CRF 1.138(a). In no event, however, may a reply be timely filed after SX (0) NCNT15 from the making date of this communication. - Particular or reply within the set or extended point of or reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 130). - Particular to reply within the set or extended point of or reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 130). - Particular to reply within the set or extended point of or reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 130). - Particular or particular them adjustment. See 37 CFR 1.794(b). - Particular them adjustment. See 37 CFR 1.794(b). - Status - This action is FINAL. - 2b) This action is non-final. - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Since this application is in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Since this application is accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Since this advanced plant the practice of Claims (a) Linear Particular Pa	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply			
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1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)				
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)	

Application/Control Number: 09/359,838 Page 2

Art Unit: 2665

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-39, drawn to a method for forming a frame format that includes a first plurality of time slots for overhead portion and a second of plurality of time slots for traffic portion, classified in class 370, subclass 345.
- II. Claims 40-45, drawn to a method for generating a traffic burst includes a preamble portion comprising a data section which is between first and second unique word, defines a preamble split length, classified in class 710, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a frame format which includes a first plurality of time slots for overhead portion and a second of plurality of time slots for traffic portion in a different modulation modes and invention II has separate utility such as a traffic burst includes a preamble portion comprising a data section between first and second unique word and for defined a preamble split length and a data portion. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/359,838 Page 3

Art Unit: 2665

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. A telephone call was made to Mr. John Whelan on 9/3/2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2665

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Steven HD Nguyen Primary Examiner Art Unit 2665

September 4, 2003